P15

G. R. S. 59] May be destroyed 1/7/58 GPB—15,000—22-7-14

GENERAL AND REVENUE SECRETARIAT.

1914-15

(Police)

Preserve Hons 1/7/28

File No. 19 of 1914

Serial Nos. 1 & 2

Papers Filed.

Month September 1914

SUBJECT.

Appeal against the order of the Dt. Magte Chittoor Dt., regarding the possession of Kalamalapu Alias of Kapalakulli & Tadakanla

PREVIOUS REFERENCES.

Police 1-05, No 80, 98, &c
Police 22-13 do 12, 14 & 15 + (40-42)
Police 109-12 do 1 & 2
Police 31-11 do 1-3
Police 239-10 do 1-3
Police 1-06, do 151-180

LATER REFERENCES.

Pol 245-14 (1-2)
Pol 78-15
151-25-(1-4)

B. Ganeshan 29.10.14.

G.R.S. 11] 1914-15

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

File No. 19-14

FILE HEADING.

Appeal against the order of the D.C. Mayi., Chitaldrug D.C., reposing the possession of Kalamalenja Devaru of Kapanahalli and Jadekunte

From

Z Kapanahalli
Linjappa and Chillanna of Jadekunte in the Challakere Tk.

No Dated 22.8.14 Received 22.8.14

Diary No. J647	Enclos. /	Spare Copies	Serial No. /

BRIEF ABSTRACT OF LETTER.

Appeals against the order of the D.C. Mayi directing that a license may be issued to Kanchappa & others of Kapanahalli to conduct the procession of Kalamalenja Devaru with Vinayaka, their newly elected Adiya, as usual & prays that the said order may be kept in abeyance pending the disposal of this appeal.

NOTES AND ORDERS.

1) The facts connected with the procession of Kalamalenja Devaru are contained in G.P. No. J699-Police 1-05 dt/13.9.06. Since the passing of the above order two events have occurred, namely, Adiya Veerabhadrappa died and in his place

7/V

NOTES—First Sheet.

GPB—30,000—12-8-11

Serial No.

his nephew Virappa has been elected as Aiya by the majority of the villagers & (2) Ruvarappa's claim of his being the adopted son of Ex-Aiya Veerappa (who died long ago) has been disallowed by the Chief Court.

3) The Dt. Magte accepting the newly elected Virappa as Aiya has directed the issue of a license to Patel Linga Reddi and others to conduct the procession with the new Aiya at its head.

3) The present petitioners Tampuran Linga Reddi & Chellamma have appealed against the above ~~order~~ order on the ground that Virappa's election was not unanimously approved by the villagers and that the presence of an Aiya at the head of the procession is not necessary

4) Appeals to Govt against orders of Dt. Magte re conduct of processions do not lie. Neither the election of an Aiya nor the decision of the question whether an Aiya is necessary or not, it is subd., is a police matter

5) Subd. for orders.

vide F.I.R

B.G. (G)26-8-14.

NOTE—Contn. sheet.

GPB—10,000—13-6-14

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General and Revenue Secretariat. | Police File No. 19 of 1914-15

Serial No.

6) Before proceeding to consider the facts in this far case, two points on the question of law procedure may arise for consideration

7) Prior to the passing of the Police Regulation of 1900, petitions or appeals were being preferred to Govt against the orders of the District Magistrate in such cases, and orders were being passed by Govt according to the circumstances of each case.

8) Govt subsequently Govt have refused to interfere with the discretion of the District Magistrate in such matters, in a number of cases, on the ground that there is no provision in the Police Regulation for an appeal against the orders of the Magistrate.

9) on the other hand, it may fairly be urged in support of the maintainability of such petitions that at the time of the passing of the Regulation the President of the Legislature Council expressly gave an assurance that the

NOTE—Contn. sheet.

GPB—10,000—13-6-14

Serial No.

practice prevailing in Mysore prior to the passing of the Regulation would be continued, though it would be inexpedient to confer a power of "appeal" strictly so called from the decisions in Council as reported in the Gazette, it appears that there was no "appeal" strictly so called even prior to the passing of the Regulation of 1908. The learned mover of the amendment is reported to have said thus: "Not that Govt have taken up such cases and passed orders on them after hearing the representations of parties. But such orders have been in the way of directions to the District Magistrate and not as Govt sitting in appeal over the decision of the District Magistrate. The existence of a provision for appeal to Govt will weaken the hands of the Dt Magistrate will tend to make parties prefer appeals in every case to Govt. It seems much better to leave the matter entirely in the hands of the Dt Magistrate, and as heretofore Govt may receive petitions & dispose of them in the exercise of their general powers which are vested

NOTE—Contn. sheet.

GPB—10,000—13-6-14

on them on this behalf

10) I submit, before the passing of the Police Regulation, it may be conceded that the citizens had a right of petitioning an appeal against the orders of the District Magistrate. This right is not expressly taken away by the new Regulation. It is a well known rule of construction that statutes which encroach on the rights of the subject should be strictly interpreted, and that they should be interpreted so as to respect such rights

11) If these arguments meet with approval, the question arises whether there are sufficient grounds in the present case for the interference of the Govt under extraordinary jurisdiction

12) The facts connected with the present case are fully set out in the linked file 1 gos-06.

13) The final order of the Govt in that case was that the Patel of the party can conduct the procession with Veerabhadrappa at the head of the procession. They also directed that as soon as Rudrappa establishes adoption in a civil court, his

Serial No.

name would be included in the license

14) Rudrappa failed to establish his adoption, as all the Courts negatived his claim

Venabhadrappa one auja of Patil's party is now dead, and a new auja Venappa the nephew of Venappa Bhadrappa has been elected by a majority of votes. The Dt Magistrate has recognised his right & granted the license

15) The opposite party, namely the present petitioners who throughout sided with Rudrappa, now seek to attack the license granted to the Patil's party, ~~on grounds mentioned in the appeal petition~~

16) But a careful perusal of the petition shows that the only ground on which the order is sought to be invalid is that the present auja is not validly elected. It is said that the present auja is a nonentity that all the villagers did not agree for his election

17) No usages alleged that the auja should unanimously be a ~~to~~ celebrate; nor do the petitioners allege any usage that all the villagers should ~~give~~ consent to the appointment The latter ~~contention must~~ usage may be held to be unreasonable

18) Further, the contention does not-

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat.

647

N-C File No. 17 of 191 · 14 7

Serial No.

Seems to me much the Govt. can interfere in the exercise of his conferred powers

ES
29/8

Govt Counsellor

+9) The Dy Comr or Govt Agent is not concerned with the validity or the invalidity of the newly elected Aya's claim to the Office. He recognised the election made by a majority of the villagers and granted a license to carry on a procession. The parties who object to the election may contest it in a proper Court if they are so minded Government need not interfere The Pattu may be repealed.

[The general question

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

647 8

General and Revenue Secretariat. | Police File No. 19 of 1914-15

Serial No.

raised about the admissibility of an appeal need not be touched.]

31/8/14

20) Draft order may be put up.

21) Subd. with a draft endorsement.

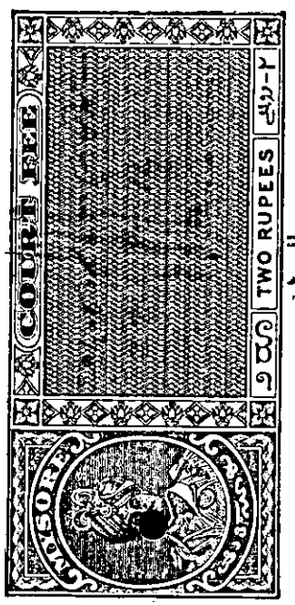
22) Issue

2 To the Petitioners. vide T630 of 2-9-14

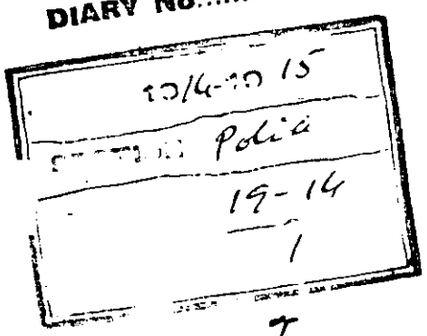
declines to interfere with the order of the Dt. Magte. and rejects the petition

NOTE—Contn. sheet.

GPB—60,000—7-11-13



DIARY No. F 647



Presented in person by Mr S. Rayanna
Please heat this as an immediate case
Draw
22/8

To.

3 Copies

The Secretary to the Government of His Highness the Maharaja of Mysore
Bangalore

Petitioners 1. Lingappa, son of Jampanna resident of Kaparahally, Challakere Taluk
2. Jadekunte Chittanna resident of Jadekunte Challakere Taluk

Opponents :— Patel Lingappa & Kenchingappa and other residents of Kaparahally, Challakere Taluk

Petitioners, above-named on behalf of themselves and others beg to prefer this appeal against the order of the District Magistrate, Chitaldrug District, dated 3rd August 1914., a certified copy of which is herewith filed on the following grounds :—

I The learned Deputy Commissioner erred in assuming that the main question ~~in dispute~~ in the case was the appointment of a successor to the deceased Veerabhadrappa

II on the death of Virabhadrappa, who was constituted an Aiya solely at the instance of the present 1st petitioner and with the consent of the villagers, the question whether the dignity of merely heading a procession of the deity on a few occasions in a year was a hereditary one, and appointing a successor thereto on the principle applied to cases of succession to property or to an hereditary office should have been considered by the District Magistrate before accepting the nomination made by the Amildar, more especially when such nomination was not accepted by all the villagers

III That the office of an Aiya is not necessary for heading a procession is clear from the fact that on the death of Virappa, also an Aiya, about more than 30 years ago, no successor has been appointed to him as the villagers did not consent to one Dendrappa who alleged himself to be the adopted son of Virappa succeeding him The suit of Dendrappa for declaring his eligibility for succession to Virappa was eventually dismissed by the Munsif Court

IV From the Government order dated 13th September 1906 relied on by the District Magistrate, it is clear that the order related to the appointment of Virabhadrappa whose nomination was approved by the villagers and the question whether the

whether the office was hereditary and whether the nomination of a successor to him on his death was indispensable in the face of strong opposition by the villagers have not been decided

IV In any event petitioners object to the nomination of the present successor as he was married when he was nominated while his predecessor was unmarried when he was nominated

V. As the office unlike a hereditary one does not carry any emoluments solely the order of the learned District Magistrate appointing a successor to Virappa against the wishes of a large number of villagers is not proper and may

may tend to encourage the factions feelings on the contrary there can be no grievance for any party if no Anya is nominated to head the procession.

Petitioner respectfully beg that the order of the District Magistrate appealed against may be set aside and such order as may be deemed proper in the circumstances of the case may be passed

Petitioner further beg that the order of the learned District magistrate may be directed not to be given effect to pendency the disposal of this petition

Bangalore
22.8.14.

ತಾವಿದ್ದಲ್ಲಿ ಹಿಳ್ಳಿಲ್ಲಿ ಗಣಿಗಾರಿಕೆಯನ್ನು ಪ್ರಾರಂಭಿಸಲು ಕೆಲವು ಷರತ್ತುಗಳನ್ನು ವಿಧಿಸಿದೆ.

ಮೇಲೆ ಹೇಳಿರುವಂತೆ ಗಣಿಗಾರಿಕೆಯನ್ನು

In the court of the District magistrate Chitaldrug District. Present-V.R. Thyagaraja Iyer Esqure M.A. District magistrate Dated 3rd August 1914. Petitioners -(1) Karlingabba (2) Patel Lingabba (3) Belwappa. Counter-petitioners (1) Kalappa & (2) Jampannana Lingabba. Read (1) the petitions presented by the petitioners to Government on 8th October 1913 and 23rd December 1913 and another petition presented by the petitioners and some others of Jadekunte and Kaberhally villages praying that a license may be issued to the petitioners for performing the Utsava of Sree Kalammalinga devaru of Jadekunte, Chellekere Taluk as per Government order No: J 699 dated 13th September 1906. (2) The petition presented by the Counter-petitioners etc to this office

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TWO ANNAS
GOVT MYSORE
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on 4th march 1914 opposing the grant of license as prayed for. (3) Report number 160 dated 26th February 1914 from the Amildar magistrate of Chelluken on the matter. (4) Perused the records of the case

Order — The order of Government.

7 L V dated 13th September 1906 gives the past history relating to the temple and it is unnecessary to recapitulate the facts.

2. Since the date of the Government order Arya Veerabhadrappa has died and the Chief Court have dismissed the suit of Rudrappa for establishing his adoption.

As from the preliminary enquiry made in this Court, it appeared that the main question for consideration was with regard to the

Succession

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TWO ANNAS
GOVT OF MYSORE
ಎರಡು ಆಣೆ

succession to Virabhadrappa, the Amildar magistrate of Chelluken Taluk was requested to have a successor selected in accordance with the wishes of the devotees of the temple. 3. The Amildar magistrate reports that 24 devotees (including the petitioners) have elected Virappa, nephew of the deceased, and that 18 devotees (including the Counter-petitioners) do not want an Aiya at all. As observed in the Government order dated 13th September 1906, the presence of an Aiya at the head of the procession is necessary and the contention of the Counter-petitioners who have gone back on their depositions before this Court on 1st June 1914 — that separate licenses should

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TWO ANNAS

GOVT. MYSORE

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should be issued to the two parties is untenable for reasons given in the Government order. 4. Although the Counter-petitioners have failed to co-operate with the petitioners in electing a successor to the deceased Aiya, the election of Virabba by a majority of the devotees must be accepted. The Amildar magistrate will be requested to issue a license to the petitioners for the conduct of the procession with Virabba at its head. As regards the time of procession and other details, the manner and the practice during 1912 should be adhered to as far as possible and every precaution should be taken to prevent a breach of the peace.

(Signed) V.R. Thyagaraja Iyer
3-8-914.

DISTRICT MAGISTRATE

Copy forwarded to
H. Venkatachellam Avl
Asst Commissioner
of Mysore for information
9-8-914.

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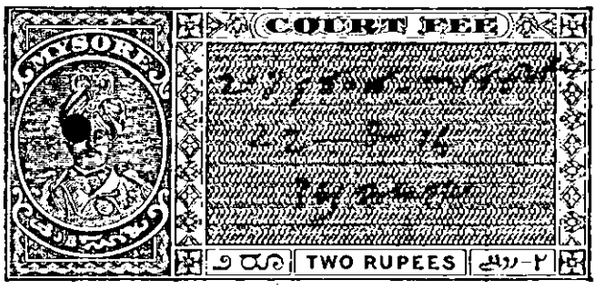

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ಬೆಂಗಳೂರು ಕೆ. ಗ್ರಹಲಂಟಿ ಕೋರ್ಟಿಗೆ
ನಿಡ್ರೆಳ್ಳಿ ಲಂಬು ವರಲಕ್ಷ್ಮಿ ಹಿಗ

1914-- 15 ನೆ ಮೀಲು — ನಂಬರು.

ವಾದಿ.
ಒಬ್ಬಿಂದರು

ಪ್ರತಿವಾದಿಯರು

(1) ಲಂಬಿ
(2) ಇಡಿಲಂಬಿ ಚಿಕ್ಕಣ್ಣ. **VS.** (1) ವೆಂಕಟಲ್ ಲಂಬಿ
ನಾಲ್ಕು ಲಂಬಿ
ಕೆಂಪಿರಡ್ಡಿ ಯಾಗಿದ್ದೇನೆ.

ಮಾ|| ರಾ|| ಟಿ.ಎನ್. ರಂಗಸ್ವಾಮಿಯಂಗಾರ್ ..... ಯವರಿಗೆ.

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಬದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಪ್ಪೆರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರಗಿಸಲಿಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲುಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹಾ ಪಡಿಯಲಿಕ್ಕೂ, ನನಗಾಗಿ ರೀಫಂಡ್ ಆಗತಕ್ಕ ಸ್ಟ್ಯಾಂಪನ್ನು ಪಡಿಯಲಿಕ್ಕೂ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸುಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಪೊ ಮೊಬದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ತಾರೀಖು 18. 8. 14. ರುಜು: ಈಂ ಡಗ್ಗಡಿ ಬೆಟ್ಟಿಗ ಅಲಿಯಲು ಚಿಂವೆಣ್ಣ ರಮಣಲಂಗ ಪ್ಲೀಡರು ಕೆಂಪಿ.

ಜಡೆಪಂಪ್ಲೆ ಚಿಕ್ಕೆಂಗಾರ್ಯಜುವು

ಈ ಮೊಬ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯ ಸ್ವರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಬ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿದ್ದೇನೆ.

☞ ಈ ಫಾರಂ ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ ೨೬೬ ನೆ ನಂಬರು ಷಾಪ್‌ಕೀಪರ್ (ಹೆಚ್. ಬಿ. ಚಿಕ್ಕಣ್ಣಶೆಟ್ಟರಲ್ಲಿ) ದೊರೆಯುತ್ತೆ.

V. Sangha Press, Bangalore City.

630

~~J-628~~

J 2-9-14

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194

File no 114

Sl. no. 2

Thro' Mr S. Ranganna, Advocate, Bangalore

Endorsement granted to Jampannana Lingappa of Kaparahalli and Chittanna of Tadekuli in the Challakere Taluk in reply to their petition registered no. J 647 dated the 22nd August 1914 appealing against the order of the Dt. Magte. of the Chitaldrug Dt granting permission to Patel Lingappa and others to conduct the procession of Kalamalinga devaru with Virappa, their medy cheetie Aiya, at its head.

Petitioners are informed that Govt. see no reason to interfere with the order of the Dt Magte & that the petition is therefore rejected

By Order

For Secretary.

B.G.
(49) 1.9.14.
(49)
1/9/14